Supreme Court, U.S.
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No. 02-577

In The
Supreme Court of the United States

MARIA CANO, ET AL.,

Appellants,

v.

GRAY DAVIS, ET AL.,

Appellees.

On Appeal From The United States District Court For The Central District Of California

APPELLEE HERB J. WESSON'S MOTION TO DISMISS OR AFFIRM AND JOINDER

JOSEPH REMCHO
Counsel of Record for Appellee Herb Wesson, Jr., in his official capacity as the Speaker of the California State Assembly

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November 27, 2002

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MOTION TO DISMISS OR AFFIRM AND JOINDER

Appellee-Defendant Herb Wesson, Jr., in his official capacity as the Speaker of the California State Assembly, respectfully requests that the Court dismiss this appeal for want of a substantial federal question or, in the alternative, affirm the three-judge district court per curiam opinion granting in full defendants' motions for summary judgment. This motion is brought pursuant to Supreme Court Rule 18.6.

This case involves an appeal from a three-judge district court in which appellants challenged California's 2001 congressional and state Senate redistricting plans. The district court unanimously concluded that the "legislature permissibly exercised its broad discretion to draw district lines, and that, in doing so, it violated neither the Voting Rights Act nor the Constitution." J.S. App. 2. Appellee Wesson believes the district court opinion was correct and therefore this appeal should be dismissed or, in the alternative, the opinion should be affirmed.

Appellee Wesson will defer to the arguments presented by, and therefore joins in, the motion to affirm or dismiss that the Senate appellees will be filing with the Court.

Respectfully submitted,

JOSEPH REMCHO
Counsel of Record for Appellee Herb Wesson, Jr., in his official capacity as the Speaker of the California State Assembly

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